

## REMARKS/ARGUMENTS

With entry of this amendment, claims 1, 2 and 5-10 are pending in the application. Claims 3 and 4 have been cancelled. No new matter has been introduced.

### 35 U.S.C. §112

Claims 2-10 were rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph as being indefinite for lack of proper antecedent basis for recitation of the term "a". Applicants have substituted the article "a" for "the" as suggested by the Examiner. Consequently, the basis of the claims rejection has been obviated and its withdrawal is requested.

### 35 U.S.C. §103

Claims 1-10 were rejected under 35 U.S.C. §103 as allegedly being obvious over Ashkenazi *et al.* in view of Ni *et al.* Ashkenazi *et al.* is cited as teaching bispecific antibodies with one antigen binding site to DR5 (TRAIL Receptor-2) and one antigen binding site to another cell surface protein or receptor. Ni *et al.* is cited as teaching bispecific antibodies specific to DR4 (TRAIL Receptor-1) and a heterologous polypeptide. The Examiner contends that it would have been obvious at the time that the invention was made to construct and use bispecific antibodies because both Ashkenazi *et al.* and Ni *et al.* teach that their respective anti-receptor antibodies can be used as bispecific antibodies in combination with antibodies specific for a heterologous polypeptide. Applicant respectfully traverses.

The current claims are drawn to a therapeutically effective amount of bispecific antibodies consisting essentially of one antigen binding site for TRAIL Receptor-1 the other for TRAIL Receptor-2, wherein the antibodies induce apoptosis in a cancer or virally-infected cell. Ashkenazi *et al.* and Ni *et al.* individually provide a general disclosure of bispecific antibodies, not a teaching of bispecific antibodies having the claimed structure and function. In combination, these references fail to provide the requisite suggestion to make the bispecific antibodies having the claimed structure and, just as importantly, these references fail to provide a suggestion or reasonable expectation that the claimed antibodies would function to induce apoptosis in a cancer or virally-infected cell. A prior art suggestion and a reasonable expectation of success are required to sustain a *prima facie* rejection under 35 U.S.C. §103. It is improper to employ Applicant's own application to assemble disparate elements from the prior art and draw a conclusion of obviousness when no previous suggestion, nor any reasonable expectation of success existed prior to Applicant's invention. A general discussion of bispecific antibodies does not fulfill the requirements needed to sustain a rejection of the claimed invention under 35 U.S.C. §103. Accordingly, Applicant requests its withdrawal.

### Conclusion

Applicants believe that the formal matters and grounds for which the claimed invention was rejected have now been addressed and respectfully request that a timely

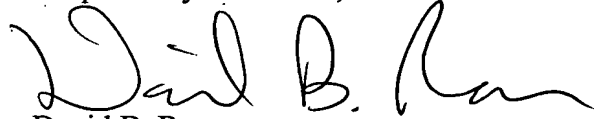
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Reply to Office Action of March 31, 2005

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Notice of Allowance be issued for this case. The Examiner is invited to call the undersigned to resolve any outstanding issues.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "David B. Ran". The signature is fluid and cursive, with the first name "David" being the most prominent part.

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